

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE**  
**PD-84 (rev. 5), “REEMPLOYMENT AND SELECTION OF RETIREES”**  
**APRIL 1, 2010**  
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TEXAS DEPARTMENT  
OF  
CRIMINAL JUSTICE

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# EXECUTIVE DIRECTIVE

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**SUBJECT:** REEMPLOYMENT AND SELECTION OF RETIREES

**AUTHORITY:** Texas Government Code §§ 493.006(b), 493.007, 812.205

**APPLICABILITY:** Texas Department of Criminal Justice (TDCJ)

**EMPLOYMENT AT WILL CLAUSE:**

These guidelines **do not** constitute an employment contract or a guarantee of continued employment. The TDCJ reserves the right to change the provisions of these guidelines at any time.

Nothing in these guidelines and procedures limits the executive director's authority to establish or revise human resources policy. These guidelines and procedures are adopted to guide the internal operations of the TDCJ and **do not** create any legally enforceable interest or limit the executive director's, deputy executive director's, or division directors' authority to terminate an employee at will.

**POLICY:**

Retirees who retired from state employment through the Employees Retirement System of Texas (ERS) shall be eligible for reemployment consideration by the TDCJ in accordance with this directive.

**DEFINITIONS:**

"Career Ladder Position" is a classified position included in a specified career ladder.

"Contact Person," for the purpose of this directive, is: (a) for a posted position, the employee responsible for providing application forms, study material, and information regarding worksite visits and to whom the employment applications should be submitted; or (b) for a correctional officer (CO) position, the employee who processes the conditional offer of employment.

“Position Posting” is an announcement of position availability that includes basic information regarding the position’s minimum qualifications and application procedures.

**PROCEDURES:**

I. Application Procedures

- A. An ERS retiree seeking consideration for a TDCJ position shall submit the State of Texas Application for Employment and any other documents required in a position posting.
- B. The ERS retiree shall check the “ERS Retiree” box at the top of each TDCJ Application Supplement, regardless of length of separation from state employment or whether the retiree has held a state agency position since retirement, in order that the contact person or designee may verify:
  - 1. The retiree has been separated from state employment for at least 90 calendar days after the effective date of retirement; and
  - 2. If the individual retired from the TDCJ and is applying for the same position held at retirement, the retiree has been separated from the position for the minimum required period of separation in accordance with Section II.B of this directive.

II. Required Periods of Separation

A. ERS Retirees Other Than TDCJ Retirees

An individual who retired through the ERS from an agency other than the TDCJ shall be separated from state employment for at least 90 calendar days after the effective date of retirement before the individual may be employed by the TDCJ (e.g., if a retiree’s effective date of retirement was May 31, 90 calendar days later would be September 1).

Ninety calendar days after the retiree’s effective date of retirement, the retiree may be employed in any TDCJ position.

B. TDCJ Retirees

The required period of separation from employment before a TDCJ retiree may be considered for reemployment is dependent upon the position for which the retiree has applied. The required periods of separation are as follows:

1. Rehire as Correctional Officer

A TDCJ retiree who held a CO position at the time of retirement may be considered for reemployment and, if selected, reemployed in a CO position 90 calendar days after the effective date of retirement. Placement within the Correctional Officer Career Series shall be in accordance with PD-72, "Employee Salary Administration."

2. Rehire as Parole Officer (PO) I or II

A TDCJ retiree who held a PO position at the time of retirement may be considered for reemployment and, if selected, reemployed in a PO I or PO II position 90 calendar days after the effective date of retirement.

3. Rehire to Different Position

Ninety calendar days after the effective date of retirement, a TDCJ retiree may be considered for reemployment and, if selected, reemployed in a position different than the position held at the time of retirement and different than a position held within one year prior to the retirement effective date. (For example: an employee who held a programmer II position in November 2008 prior to demoting to a technical writer II position in December 2008 and then retiring December 31, 2008 cannot be reemployed as a programmer II until November 2009 or a technical writer II until January 2010.)

The position applied for shall not be considered a different position if the only difference is one or more of the following:

- a. The classification level within a career ladder. (For example: If an employee retired from a career ladder position as a classification level III and applied for reemployment in the same career ladder as a classification level I at the same location, the position applied for shall not be considered a different position.)
- b. A revised position description or modification of duties.
- c. A different supervisor or chain of supervision.

4. Rehire to Same Position/Different Location

Ninety calendar days after the effective date of retirement, a TDCJ retiree may be considered for reemployment and, if selected, reemployed in the same position held at the time of retirement if the location of assignment is different. (For example: An employee who retired from a lieutenant of

COs position at the Estelle Unit may apply for reemployment as a lieutenant of COs at the Ferguson Unit after 90 calendar days.)

5. Rehire to Same Position/Same Location (Other than Correctional Officer Career Series or Parole Officer Career Series):

One year after the effective date of retirement, any TDCJ retiree may be considered for reemployment and, if selected, reemployed in the same position, at the same location, held at the time of retirement.

The one-year waiting period for the same position/same location shall continue to apply even if a TDCJ retiree is first reemployed into a different position or same position/different location than what was held at the time of retirement. (For example: An employee who retired from a lieutenant of COs at the Estelle Unit and was reemployed 90 calendar days later as a lieutenant of COs at the Ferguson Unit may not be considered for a lieutenant of COs position at the Estelle Unit until one year after the effective date of retirement.)

### III. Clearance for Selection

If an ERS retiree is the final applicant for a posted position or is being considered for a CO or PO position, the contact person or designee shall access the ERS Online System during the clearance process to verify that:

- A. On the effective date of employment the ERS retiree shall have been separated from state employment in accordance with the required time periods in Section II of this directive; and
- B. If the final applicant retired from the TDCJ and is applying for the same position held at retirement, the retiree has been separated from the position for the minimum required period of separation as set out in Section II.B of this directive.

If the ERS Online System does not indicate the retiree's retirement date, the contact person shall contact the retirement coordinator, Employee Services Section, Human Resources Division, to obtain this information.

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Brad Livingston  
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